

In re Appln. of Al Mitrevics
Application No. 09/468,501

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glaze both side of the mullion and thereby present the smooth continuous outside surface of the glazing channel to mask a junction of the panels with the mullion.

REMARKS

The Office Action dated November 26, 2002, the reference cited therein, along with the Examiner's comments in his Advisory Action, dated March 19, 2003, have been carefully considered. Claims 1-6 are presently pending. No claims currently stand allowed.

The specification has been amended to correct the informalities brought to Applicant's attention. The inconsistency between the specification (repressed steel) and claims 1 and 5 (pressed steel) was due to a typographical error. In addition, a further typographical error in the same paragraph has been corrected. This may be seen by reference to page 1, line 16, where it was first and correctly stated.

The Office Action rejects claims 1-6 under 35 U.S.C. § 102(b) as anticipated by Owen, U.S. Patent No. 3,196,998. Applicant respectfully takes issue and disagrees as to any teaching, showing or suggestion in Owen '998 of the presently claimed invention.

Throughout the Owen '998 patent drawings, specification and even the claims, it references an extruded structure with frictionally interlocking components. Owen's members are designed to snap together in place relying upon frictional and detent actions for assembly. The sash unit 25 illustrated in Fig. 4 is clearly an extruded element, and, although Owen states it may be a rolled or a pressed metal member (Col. 2, lines 25-28), it is still the fixed unit, not the outer releasable sash unit 26 (Fig. 3), and that requires shapes and elements impossible to form by rolling or pressing metal sheet stock. There is no teaching or suggestion as to how it may be possible to press steel fabricate such a construction. Notwithstanding Owen's statement in Column 2, line 71, the sash unit 26 shown and described with its walls, flanges, hooks and faces does not lend itself to manufacture other than as an aluminum extrusion.

As to Owen's Fig. 7 structure, it too clearly and likewise needs to be an extrusion, and, the element 82 with its flanges and legs does not give the hollow underneath and uninterrupted bridge portion. This has now been spelled out clearly in the independent claims 1 and 5 and distinguishes over the Owen patent. The Examiner has indicated that the later inclusion of a fastener to hold the glazing bead would eliminate the "hollow underneath" and "uninterrupted" bridge portion. However, the claim calls for the component of the bead to have such structure so the later inclusion of a fastener cannot change that element. Owen

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integrally forms the fastener element. That makes it a structural part and precludes formation from pressed steel.

In view of the foregoing, it is believed that amended claims 1-6 are distinguishable and non-obvious as compared to the Owen structure and constitute a patentable improvement in the art. Alternatively, Applicant requests entry of this amendment for purposes of possible appeal.

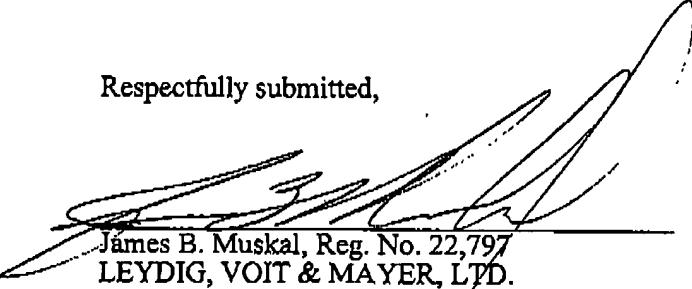
Petition for Extension of Time

Applicant petitions for a two-month extension of time under 37 CFR 1.136, the fee for which is \$205.00. The Commissioner is hereby authorized to charge this extension fee, along with any other deficiencies in fees, to Deposit Account No. 12-1216.

Conclusion

The application is considered in good and proper form for allowance, and the Examiner is respectfully requested to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



James B. Muskal, Reg. No. 22,797
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza, Suite 4900
180 North Stetson
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

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